

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1333

Introduced by Assembly Member Hagman

February 27, 2009

An act to ~~amend Section 384 of~~ *add Section 1103 to* the Public Utilities Code, relating to ~~public utilities~~ *energy*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1333, as amended, Hagman. ~~Energy Commission: public interest research.~~ *Electrical transmission lines.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. The existing Public Utilities Act prohibits any electrical corporation from beginning the construction of, among other things, a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require that construction (certificate of public convenience and necessity). The act requires that an electrical corporation proposing to construct an electrical transmission line to the northwestern United States provide the commission with sufficient reliable information to enable the commission to determine that the proposed line, at rates expected to prevail over the useful life of the line, will be cost effective and prohibits the commission from issuing a certificate of public convenience and necessity unless it is satisfied that the electrical corporation has provided the required information.

This bill would prohibit an electrical corporation from reconstructing an electrical transmission line that runs through a residential community

so that the towers supporting the lines are increased in height by more than 33%, unless the commission determines that (1) reconstructing the electrical transmission line is needed and no reasonable alternative exists to reconstruction, (2) the electrical corporation has undertaken, and will continue to undertake, all reasonable means to eliminate or mitigate risks to the public safety resulting from the reconstruction, and (3) the electrical corporation has agreed to provide just compensation to all residential landowners near the transmission line to compensate them for any reduction in the value of their property resulting from the reconstruction.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission implementing its requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes the Public Interest Research, Development, and Demonstration Fund in the State Treasury for purposes of public interest research, development, and demonstration.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1103 is added to the Public Utilities Code,
- 2 to read:
- 3 1103. No electrical corporation shall reconstruct an electrical
- 4 transmission line that runs through a residential community so
- 5 that the towers supporting the lines are increased in height by
- 6 more than 33 percent of the height of the existing towers, unless
- 7 the commission determines that all of the following are true:

1 (a) *Reconstructing the electrical transmission line is needed*
2 *and no reasonable alternative exists to reconstruction.*

3 (b) *The electrical corporation has undertaken, and will continue*
4 *to undertake, all reasonable means to eliminate or mitigate risks*
5 *to the public safety resulting from the reconstruction.*

6 (c) *The electrical corporation has agreed to provide just*
7 *compensation to all residential landowners near the transmission*
8 *line to compensate them for any reduction in the value of their*
9 *property resulting from the reconstruction.*

10 SEC. 2. *No reimbursement is required by this act pursuant to*
11 *Section 6 of Article XIII B of the California Constitution because*
12 *the only costs that may be incurred by a local agency or school*
13 *district will be incurred because this act creates a new crime or*
14 *infraction, eliminates a crime or infraction, or changes the penalty*
15 *for a crime or infraction, within the meaning of Section 17556 of*
16 *the Government Code, or changes the definition of a crime within*
17 *the meaning of Section 6 of Article XIII B of the California*
18 *Constitution.*

19 ~~SECTION 1. Section 384 of the Public Utilities Code is~~
20 ~~amended to read:~~

21 ~~384. (a) Funds transferred to the Energy Commission pursuant~~
22 ~~to this article for purposes of public interest research, development,~~
23 ~~and demonstration shall be transferred to the Public Interest~~
24 ~~Research, Development, and Demonstration Fund, which is hereby~~
25 ~~created in the State Treasury. The fund is a trust fund and shall~~
26 ~~contain money from all interest, repayments, disencumbrances,~~
27 ~~royalties, and any other proceeds appropriated, transferred, or~~
28 ~~otherwise received for purposes pertaining to public interest~~
29 ~~research, development, and demonstration. Any appropriations~~
30 ~~that are made from the fund shall have an encumbrance period of~~
31 ~~not longer than two years, and a liquidation period of not longer~~
32 ~~than four years.~~

33 ~~(b) Funds deposited in the Public Interest Research,~~
34 ~~Development, and Demonstration Fund may be expended for~~
35 ~~projects that serve the energy needs of both stationary and~~
36 ~~transportation purposes if the research provides an electricity~~
37 ~~ratepayer benefit.~~

38 ~~(c) The Energy Commission shall report annually to the~~
39 ~~appropriate budget committees of the Legislature on any~~

- 1 ~~encumbrances or liquidations that are outstanding at the time the~~
- 2 ~~commission's budget is submitted to the Legislature for review.~~

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